

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:16-CV-179-DCK**

**INDRATECH, LLC,**

**Plaintiff,**

**v.**

**FIBRIX, LLC,**

**Defendant.**

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**ORDER**

**THIS MATTER IS BEFORE THE COURT** on Defendant’s “Motion For Leave Of Court To File Sur-Response Brief” (Document No. 68) filed November 9, 2018. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion without prejudice.

The undersigned notes that already pending before Defendant’s instant motion was filed is “Plaintiff’s Motion For Leave To File Sur-Reply In Opposition To Defendant’s Motion For Summary Judgment” (Document No. 67). Defendant failed to file a timely response to that motion. See Local Rule 7.1(e). Instead, Defendant filed a “Motion For Leave Of Court To File Sur-Response Brief” (Document No. 68) that does not comply with Local Rule 7.1(b).

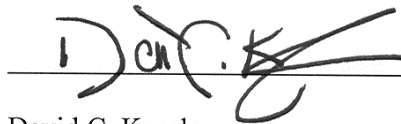
Under these circumstances, the Court will *sua sponte* allow Defendant an extension to file a response to the pending “Plaintiff’s Motion For Leave To File Sur-Reply ...” (Document No. 67). If Defendant contends that “Plaintiff’s Motion For Leave To File Sur-Reply...” includes incorrect assertions or statements, Defendant should raise those contentions in its brief in response to Plaintiff’s motion.

**IT IS, THEREFORE, ORDERED** that Defendant's "Motion For Leave Of Court To File Sur-Response Brief" (Document No. 68) is **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Defendant shall file a response to "Plaintiff's Motion For Leave To File Sur-Reply ..." (Document No. 67) on or before **November 16, 2018**.

**SO ORDERED.**

Signed: November 13, 2018

  
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David C. Keesler  
United States Magistrate Judge

